

Regular meeting of the Fairfax City Council on Tuesday, March 23, 2004, at 7:00 p.m., in Council Chambers at City Hall.

Members Present:

Mayor Lederer and Councilmembers Cross, Greenfield, Lyon, Rasmussen, Silverthorne and Winter.

Members Absent:

None.

Pledge of Allegiance.

The Mayor led the Council in the Pledge of Allegiance.

Presentations and proclamations.

The Mayor presented proclamations declaring April 30 as Arbor Day and the month of April as Spring Clean-Up month. The proclamations were accepted by Mr. Donald Lederer, Chair of the Community Appearance Committee.

The Mayor read a proclamation for Ms. Virginia Senior America Week.

Adoption of the agenda.

Councilman Silverthorne moved adoption of the agenda.

Councilman Rasmussen seconded the motion, which carried unanimously by voice vote.

Presentations by the public on any item not subject to public hearing.

Delegate Chap Peterson, 10616 Moore Street, reported on the status of the state budget. He apologized for not having an agreed upon state budget yet. He said he expects the City of Fairfax to be a major beneficiary. He estimated that based on direct aid allocation alone, there would be approximately \$15.6 million increase over the next two years because the economy is turning the corner in Virginia and legislation that benefited the City. He said he is opposed new income tax rates being proposed for incomes over \$100,000 and \$150,000. He said he is flexible on sales tax increase proposals and favors increasing cigarette taxes. He announced he would hold a community meeting on March 30th at Robinson High School.

Mayor Lederer said that Delegate Peterson and Senator Devolites participated in last Thursday's broadcast of *Let's Talk City*. He encouraged citizens to watch the replay of the broadcast. The Mayor asked Delegate Peterson what his best guess was for reaching a resolution in Richmond. He said that 10% of the City's revenue comes from State aid and that not having an approved State Budget will have a major impact on their deliberations.

Delegate Peterson said the safest assumption is with no taxes increases, the City of Fairfax could expect a 6% growth in the state budget based on revenue increases.

Mr. Paul Sullivan, 3302 Spring Lake Court, President of the Country Club Hills Civic Association, asked City Council to support a permit parking district on Brookwood Drive.

Mr. Jerry O'Dell, 3920 Bradwater Street, talked about all city gas stations posting their gas prices to promote lower prices. He encouraged everyone to see the movie *The Passion of Christ* and talked about the City's health insurance providers.

Consent agenda.

Councilmember Winter moved adoption of a consent agenda for:

- Agenda item #6a, Introduction of an ordinance amending Chapter 98, Article IV, Division 3, Section 98-215 of the Code of the City of Fairfax, Virginia by adding thereto a new section (14) establishing a permit parking district on Brookwood Drive between Old Lee Highway and Spring Lake Terrace.

And for agenda item #6a, she moved to waive the first reading and set the public hearing for April 13, 2004.

Councilman Silverthorne seconded the motion.

The Mayor asked if anyone wished to abstain or object to the item.

No one did.

The Mayor called for a vote on the motion, which carried unanimously by voice vote.

The Mayor announced that the following public hearings would be held together.

Public hearing on the Fiscal Year 2004/2005 budget and the Capital Improvement Program for Fiscal Years 2004/2005 – 2008/2009. One budget outreach meeting for citizen input will be held on March 30 at Daniels Run Elementary School. Adoption of the budget is scheduled for April 13, 2004.

The public hearing was properly advertised in the March 15 and 19, 2004 issues of *The Washington Times*.

Public hearing on the real estate tax rate for the 2004/05 budget year.

The public hearing was properly advertised in the March 15, 2004 issue of *The Washington Times*.

Public hearing on an ordinance amending Section 102.31 of the Code of the City of Fairfax, Virginia, to increase the water and sewer rate by five percent. Adoption is proposed for April 13, 2004. (Introduced March 9, 2004.)

The public hearing was properly advertised in the March 12 and 19, 2004 issues of *The Washington Times*.

The Mayor opened the public hearings.

Ms. Hildie Carney, 3512 Old Post Road, President of Historic Fairfax City, Inc., thanked the City Council for the support they provided to the Historic Resources department over the years and hoped it would continue.

Ms. Andrea Loewenwarter, 3618 Heritage Lane, board member of Historic Fairfax City, Inc., echoed Ms. Carney's gratitude for their support. She said their support enables current and future citizens and visitors to experience the City's history firsthand. She urged City Council to continue their support.

Mr. Paul Sullivan, 3302 Spring Lake Court, talked about the open lot called The Commons at Brookwood Drive and Spring Lake Terrace. He said the Civic Association would submit another grant request for improvement of neighborhoods and hopes there will be funding available for a Pavilion at the west end of The Commons. He asked that City Council approve funds for street improvements for a connector between Dale Drive and Spring Lake Terrace as proposed in the CIP. He also asked for City Council's support for the Blenheim estate.

Mr. Paul Newcombe, 3818 Lee Street, said he has been a resident for thirty-three years and has been satisfied with Council's approach to taxes, however, he said his assessment rose 52% this year and suggested that the assessment / property value structure be reevaluated.

The Mayor said there was an appeal process and encouraged him to talk with City staff.

Ms. Sarah Wall, 4107 Virginia Street, said her real estate tax assessment increased 47% and would like to know why and stated it was wrong. She said she prefers an income tax. She said if assessments are determined by state guidelines, there is no basis for appeal.

Mr. Jerry O'Dell, 3920 Bradwater Street, spoke about lowering the tax rate and the proposed water and sewer rate increase.

The Mayor closed the public hearing.

The Mayor talked about the budget schedule, stating that a budget outreach meeting would be held March 30, 2004 at Daniels Run Elementary School, a potential work session is scheduled for April 6th and adoption of the budget is scheduled for April 13, 2004. These items were deferred until April 13, 2004.

Approval of minutes.

Councilman Silverthorne moved approval of the minutes of the October 7, 2003 special meeting, October 29, 2003 special meeting, November 6, 2003 special meeting and March 9, 2004 regular meeting.

Councilmember Rasmussen seconded the motion, which carried unanimously by voice vote.

Councilman Greenfield moved approval of the minutes of the March 9, 2004 special meeting.

Councilmember Rasmussen seconded the motion, which carried unanimously by voice vote. (Councilman Silverthorne abstained.)

Comments by City Council.

Councilman Silverthorne offered his condolences to Officer Pardiny and the Police Department on the passing of K-9 Doni. He said the K-9 unit has been a tremendous success and was sorry to hear of his passing.

Consideration of an appeal by Cary Luskin, Lee Highway Associates, Guitar Center Shopping Center regarding BAR decision not to approve façade renovations (BAR547-03-5) at 11051-11055 Lee Highway. (Deferred from February 10, 2004).

Planner Donna Pivik gave the staff report. She said that no changes have been proposed by the applicant. She said that the proposal is not compatible with the character of the recent development along the Lee Highway corridor and staff recommends denial.

Councilman Greenfield moved that the City Council affirm the decision of the Board of Architectural Review on application No. BAR 547-03-6, for proposed façade improvements on the premises known as 11051-11055 Lee Highway and more particularly described as tax map parcel 57-1-((2))-133 for the following reasons: the proposed façade renovation is not compatible with the character of recent redevelopment and renovations along this section of the Lee Highway Corridor. The proposed improvements lack appropriate detailing and the sloping

element, which would be 14 feet higher than the existing roof, would be out of context with the surrounding area.

Councilwoman Cross seconded the motion.

Councilman Greenfield thanked the councilmembers for deferring the application to allow the applicant an opportunity to modify his proposal.

Councilman Silverthorne said he would oppose the motion because he does not believe it is inconsistent with the standards along the Lee Highway corridor. He said he thought this was an improvement from what is there currently.

The Mayor called for a vote on the motion, which carried by a vote of 4-2, recorded as follows: In favor, Councilmembers Cross, Greenfield, Lyon, Rasmussen; opposed, Councilmembers Silverthorne and Winter.

The Mayor recessed the regular meeting to convene a work session in Room 306 at 8:06 p.m.

The Mayor reconvened the regular meeting at 10:05 p.m.

Closed meeting.

The Mayor moved that the City Council convene in a closed meeting pursuant to Section 2.2-3711.A.1 of the *Code of Virginia* to discuss appointments to Boards and Commissions, and under Section 2.2-3711.A.3 to discuss acquisition of certain real property for public purposes and under Section 2.2-3711.A.7 for consultation with legal counsel for legal advice.

Councilman Silverthorne seconded the motion, which carried by a vote of 7-0, recorded as follows: In favor, Mayor Lederer and Councilmembers Cross, Greenfield, Lyon, Rasmussen, Silverthorne and Winter; opposed, none.

Council went into a closed meeting at 10:10 p.m., and reconvened the meeting at 11:00 p.m.

The Mayor said Council concluded its closed meeting to discuss appointments to boards and commissions, acquisition of certain real property for public purposes and for consultation with legal counsel for legal advice.

The Mayor moved that each member of Council certify that to the best of each Council member's knowledge, only public business matters lawfully exempted from the open meeting requirements in the Virginia Freedom of Information Act and only public business matters identified in the motion convening the closed meeting were heard, discussed or considered.

Councilman Silverthorne seconded the motion, which carried by a vote of 7-0, recorded as follows: In favor, Mayor Lederer and Councilmembers Cross, Greenfield, Lyon, Rasmussen, Silverthorne and Winter; opposed, none.

Consideration of an amendment to Section 18(a) of the Purchase Agreement between the City and TC MidAtlantic Development, Inc., Walnut Street Development Company, J. Donegan Company and Old Town Fairfax Village, LLC.

Councilmember Winter moved to approve the amendment to Section 18(a) of the Purchase Agreement dated March 9, 2004 by and among the City of Fairfax, Virginia, TC MidAtlantic Development, Inc., Walnut Street Development Company, J. Donegan Company and Old Town Fairfax Village, LLC.

Councilwoman Cross seconded the motion, which carried unanimously by voice vote.

Appointments to boards and commissions.

Councilwoman Lyon moved the appointment of Alan Goodhue to the Personnel Advisory Board for a term extending through June 30, 2004.

Councilwoman Cross seconded the motion, which carried unanimously by voice vote.

Councilman Rasmussen moved the appointment of Paul Cunningham as the Planning Commission Liaison to the Board of Architectural Review for a term extending through December 31, 2007.

Councilwoman Cross seconded the motion, which carried unanimously by voice vote.

Councilman Rasmussen moved the reappointment of Gregory Patti to the Board of Building Code Appeals – Technical Division for a five-year term extending through February 28, 2009.

Councilwoman Lyon seconded the motion, which carried unanimously by voice vote.

The Mayor requested staff to re-advertise the Board of Zoning Appeals vacancy.

The Mayor requested interviews be rescheduled for April 13, 2004.

Adjournment.

The meeting adjourned at 11:05 p.m..

Mayor

ATTEST:

City Clerk